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10/713,637
ENDS240USNPRemarksStatus of Claims:

Claims 1-31 stand rejected. Claims 1 and 28 are amended. Claims 2-4 and 31 are canceled. Claims 1, and 5-30 remain pending.

Support for the amendment to Claim 1 is found in the specification and drawings as filed, including without limitation at paragraph 0079. Claim 28 is amended to include the subject matter of Claim 31. No new matter is added.

§ 102 Rejections:

Claims 12-27 were rejected under 35 U.S.C. §102(b) as being anticipated by Kovacs et al. (U.S. 5,833,603). Applicant respectfully traverses these rejections.

Independent claim 12 recites, among other things, marking target cells in a patient with a substance capable of being detected, and an act of determining whether a particular tissue is present in a patient using transformed data indicative of the presence of the substance in the patient.

As explained in the applicants' prior response, Kovacs et al. fails to teach or suggest such limitations, among others, particularly in the arrangement required by independent claim 12, and the Examiner's basis for the rejection is not clear.

The Examiner is requested to withdraw the rejection, or, alternatively, provide the Applicant with a full and fair opportunity to respond by specifically pointing out where the '603 patent teaches the all of following:

- a) marking target cells with a substance capable of being detected;
- b) directing a detector through a body lumen in the patient to detect signals from the substance;

10/713,637
END5240USNP

c) mathematically transforming data representing at least some of the signals detected into transformed data, wherein the transformed data is indicative of the presence of the substance in the patient; and

d) determining whether a particular tissue is present in the patient, wherein the act of determining whether a particular tissue is present in the patient is performed using at least part of the transformed data.

It is respectfully urged that the sections of Kovacs cited by the Examiner do not support the rejection, and the Examiner is requested to more fully explain the basis of the rejection for each of the elements a-d above, or withdraw the rejection.

§103 Rejections

Claims 1-11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kovacs et al. in view of Iddan et al. (U.S. Pat. No. 5,604,531) and Okada et al. (U.S. Pat. No. 5,424,546). Applicant respectfully traverses these rejections.

Regarding Claim 1-11, it is respectfully urged that the obviousness rejection is improper for all the reasons set forth in the Applicants' prior response.

Further, Claim 1, as presently amended, recites among other things:

first and second radiation detectors disposed at opposite ends of the capsule.

It is respectfully urged that even if one combines the three references, as suggested by the Examiner, the resulting combination would not teach or suggest a swallowable capsule having first and second radiation detectors disposed at opposite ends of the capsule.

Accordingly, the Examiner is requested to withdraw the rejection of Claims 1-11.

10/713,637
END5240USNP

Claims 28-31.

Claims 28-31 are also rejected as obvious over Kovacs et al. in view of Iddan et al. (U.S. Pat. No. 5,604,531) and Okada et al. (U.S. Pat. No. 5,424,546).

This rejection is improper for all the reasons set forth in the Applicants' prior response.

In addition, Claim 28 is amended to recite, among other things
tracking the position of the capsule along the patient's gastrointestinal tract.

It is respectfully urged that even if one combines the references, as suggested by the Examiner, the resulting combination would not teach or suggest all the method steps recited in amended Claim 28.

The Examiner is respectfully requested to point out specifically how the references, if combined, would teach all the steps recited in Claims 28-31.

Based on the foregoing, all pending claims are in a condition for allowance. Accordingly, Applicant respectfully requests reconsideration and an early notice of allowance.

Respectfully submitted,

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